APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,249	03/24/2005	Christophe Genevois	740612-189	8701

41972   7590   08/19/2009
LAW OFFICES OF STUART J. FRIEDMAN
28930 RIDGE ROAD
MT. AIRY, MD 21771

EXAMINER
KIM, EDWARD J

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
08/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/511,249	GENEVOIS, CHRISTOPHE
	Examiner	**Art Unit**	
	EDWARD J. KIM	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 June 2009</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-5,8 and 10</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-5, 8, and 10</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on 06/02/2009.

2.   Claims 1-5, 8, and 10 are pending in this office action. Claims 1 and 8 have been

amended.

Response to Amendment

3.   The Examiner presents new grounds of rejections in view of the amended claims.

Response to Arguments

4.   Applicant's arguments with respect to all pending claims have been considered but are

moot in view of the new ground(s) of rejection.

        For further clarification:

        Giachetti discloses standards that has been designed by Digital Video Broadcasting

(DVB) project in Europe, and the technology regarding Conditional Access systems that

incorporates a common interface and detachable modules, such as smart cards (Giachetti,

Abstract). Giachetti discloses various technical solutions in fig.4, wherein various possible

locations of the common interface between the decoder box and the detachable are disclosed in

Fig.4. Giachetti further discloses that *it is more cost-effective* for both the end-user/customer and

the manufacturer to implement the CASS (CA system) on detachable modules, such as smart

cards, wherein the detachable module cryptographic algorithms, secrets keys, and entitlement of

the customer, rather than implementing the system so that multiple CASS is available on the

decoder box with detachable modules including cryptographic algorithms, secrets keys, and

entitlement of the customer (Giachetti, Abstract, Fig.2, Fig.3, Fig.4, pg.837 left column 2nd

paragraph- pg.838 left column 6th paragraph, pg.838 right column 5th paragraph, Conclusion).

The decoder box is disclosed to be comprised of a common platform, universal to all service

providers.

 Schooneveld discloses the standardization of conditional access systems for digital pay

television, wherein high level of commonality further studied (Schooneveld, Abstract).

Schooneveld further discloses the use of common platform in decoder boxes (aka set-top boxes),

and the use of smart cards, wherein he card will only issue the secret key when authorized via

various known methods, such as transmission of EMMs, ECMs, etc. (Schooneveld, pg.218-219.

Authorization, licensing is disclosed.)

 Kamperman discloses a method wherein each conditional access component includes a

filter unit for filtering out the specific EMMs of conditional access systems (Kamperman, p.47

Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section

Filter" component). According to Kamperman, EMMs are filtered out of the data stream.)

enabled on the component and a verifier unit for the verification of access rights defined by the

filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman

discloses that the filtered out EMMs are used for authorizing the use of a key for every separate

conditional access system, for determining the access rights of the user.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6. Claims 1, 2, 4, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Giachetti et al. ("A Common Conditional Access Interface for Digital Video Broadcasting

Decoders", *IEEE Transactions on Consumer Electronics*, August 1995), hereinafter referred to

as Giachetti, in view of Schooneveld ("Standardization of Conditional Access Systems for

Digital Pay Television", *Philips Journal of Research*, 1996).

Giachetti discloses standards that has been designed by Digital Video Broadcasting

(DVB) project in Europe, and the technology regarding Conditional Access systems that

incorporates a common interface and detachable modules, such as smart cards (Giachetti,

Abstract).

Regarding claim 1, Giachetti discloses, a method of operating a conditional access

network wherein providers distribute valuable contents over the network and end-users are

allowed to access such valuable contents in function of individual access rights, wherein valuable

contents are made available to the end-users by way of a plurality of different conditional access

systems (Giachetti, Abstract, pg.837 left column 3rd paragraph – right column 4th paragraph,

pg.838 left column, fig.2, fig.4), the method comprising the steps of:

configuring a generic conditional access component having a basic functionality common

to all conditional access systems and a plurality of particular conditional access systems, said

plurality of particular conditional access systems being preloaded but initially disabled

(Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4,

pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

providing the generic conditional access component to an end-user (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

inserting a smart card comprising a conditional access identification; identifying a particular preloaded conditional access system to be used by the conditional access component (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

acquiring by the end-user of a license related to the identified particular preloaded conditional access system; loading said license into the conditional access component; and enabling the particular preloaded conditional access system after successful verification of the license (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph. Giachetti discloses that the smart card/detachable security device contains secret keys and stores the entitlement of the customer.).

Although Giachetti discloses the above features, Giachetti fails to disclose the license authorization in more detail. Schooneveld discloses the standardization of conditional access systems for digital pay television, wherein high level of commonality further studied (Schooneveld, Abstract). Schooneveld further discloses the use of common platform in decoder boxes (aka set-top boxes), and the use of smart cards, wherein he card will only issue the secret key when authorized via various known methods, such as transmission of EMMs, ECMs, etc. (Schooneveld, pg.218-219. Authorization, licensing is disclosed.). It would have been obvious to one of ordinary skill in the art to modify the teachings of Giachetti with those of Schooneveld

to utilize licensing authorization methods such as transmission of EMMs, ECMs, etc. One

would have been motivated to do so, since as disclosed by Schooneveld, this was a

popular/standardized method utilized in digital video broadcasting systems at the time the

invention was made.

    Regarding claim 2, Giachetti and Schooneveld disclosed the limitations, as described in

claim 1, and further discloses the use of digital transport stream that contains Entitlement

Management Messages (EMMs) (Schooneveld, pg.218-219. Authorization, licensing is

disclosed.).

    Regarding claim 4, Giachetti and Schooneveld disclosed the limitations, as described in

claim 3, and further discloses, a method wherein the valuable contents in the transport stream are

scrambled, each conditional access component has a descrambler adapted to process a scrambled

transport stream into a clear transport stream, and the descrambler is enabled or disabled in

function of a successful or unsuccessful verification, respectively, of the access rights (Giachetti,

Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left

column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.) (Schooneveld, pg.218-219).

    Regarding claim 5, Giachetti and Schooneveld disclosed the limitations, as described in

claims 1 to 4, and further discloses, a method wherein each conditional access system has an

associated application for execution by the conditional access component (Giachetti, Abstract,

pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th

paragraph, pg.840 right column 2nd-5th paragraph.) (Schooneveld, pg.218-219).

    Regarding claim 8, Rabne teaches, a conditional access component for use in a

conditional access network wherein a provider distributes valuable contents over the network and

end-users are allowed to access such valuable contents in function of individual access rights

defined by a user license, wherein said component comprises a first software module embedding

a basic functionality common to a plurality of different conditional access systems used in the

network, said module allowing a particular identified conditional access system to be enabled

subject to successful verification of a license therefor, a plurality of specific application software,

each constituting a particular conditional access system in conjunction with the basic

functionality a non-volatile memory for storing said plurality of preloaded specific application

software, said particular conditional access systems being initially disabled in the non-volatile

memory, a smart card inserted into said component, means on said smart card for identifying a

particular conditional access system, means for acquiring a license for the particular identified

preloaded conditional access system, and means for selectively enabling the particular identified

preloaded conditional access system subject to a successful verification of the corresponding

license (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph,

fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.).

Although Giachetti discloses the above features, Giachetti fails to disclose the license

authorization in more detail. Schooneveld discloses the standardization of conditional access

systems for digital pay television, wherein high level of commonality further studied

(Schooneveld, Abstract). Schooneveld further discloses the use of common platform in decoder

boxes (aka set-top boxes), and the use of smart cards, wherein he card will only issue the secret

key when authorized via various known methods, such as transmission of EMMs, ECMs, etc.

(Schooneveld, pg.218-219. Authorization, licensing is disclosed.). It would have been obvious

to one of ordinary skill in the art to modify the teachings of Giachetti with those of Schooneveld

to utilize licensing authorization methods such as transmission of EMMs, ECMs, etc. One

would have been motivated to do so, since as disclosed by Schooneveld, this was a

popular/standardized method utilized in digital video broadcasting systems at the time the

invention was made.

Regarding claim 10, Giachetti and Schooneveld disclosed the limitations as described in

claim 8, and further discloses, a conditional access component wherein the valuable contents are

distributed in a digital transport stream that contains Entitlement Management Messages

"EMMs" specific to each conditional access system (Schooneveld, pg.218-219)

7.   Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giachetti et al.

("A Common Conditional Access Interface for Digital Video Broadcasting Decoders", *IEEE

Transactions on Consumer Electronics*, August 1995), hereinafter referred to as Giachetti, in

view of Schooneveld ("Standardization of Conditional Access Systems for Digital Pay

Television", *Philips Journal of Research*, 1996), in further view of Kamperman et al., hereinafter

Kamperman ("Conditional access system interoperability through soft downloading", *Consumer

Electronics, IEEE*, Feb 2001).

Regarding claim 3, Giachetti and Schoonevel teaches the limitations, as described in

claim 2, and further discloses the method of claim 2, however, fails to disclose a filter unit for

filtering out EMMs.

Kamperman discloses a method wherein each conditional access component includes a

filter unit for filtering out the specific EMMs of conditional access systems (Kamperman, p.47

Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section

Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) enabled on the component and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, for determining the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Giachetti and Schooneveld to include a filter unit as taught by Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455